

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE MERCK & CO., INC., SECURITIES, DERIVATIVE &
"ERISA" LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO:
THE AFA LIVFÖRSÄKRINGSAKTIEBOLAG ACTION
CIVIL ACTION NO. 07-4024 (SRC)

Case No. 2:05-CV-2367-SRC-CLW

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on March 15, 2013, Plaintiffs in *AFA Livförsäkringsaktiebolag v. Merck & Co., Inc.*, No. 07-cv-4024-SRC-CLW (the "AFA Action") filed a Motion for Leave To Amend their Complaint to (1) change all references to "Danske Invest Administration A/S" to refer instead to "Danske Invest Management A/S;" and (2) replace Swedbank Robur AB with its wholly owned subsidiary, Swedbank Robur Fonder AB, as the real party in interest (*see* ECF No. 488);

WHEREAS the parties to the AFA Action do not wish to re-brief arguments and issues already decided by this Court, but wish nonetheless to preserve any such arguments and issues for appeal with respect to Danske Invest Management A/S and Swedbank Robur Fonder AB to the same extent as the other named plaintiffs;

IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their undersigned counsel, AND SO ORDERED, that:

1. Defendants will not oppose the AFA Plaintiffs' Motion for Leave To Amend their Complaint (ECF No. 488);
2. The AFA Plaintiffs' Motion for Leave To Amend their Complaint (ECF No. 488) is granted;

3. Within five (5) days of the Court's entry of this Order, the AFA Plaintiffs shall file and serve their Second Amended Complaint in the form annexed as Exhibit A to the AFA Plaintiffs' Motion for Leave to Amend;

4. The parties to the AFA Action, including Danske Invest Management A/S and Swedbank Robur Fonder AB, are and remain bound to the Court's orders dated January 23, 2012, and August 14, 2012, such that any claims dismissed in the August 8 Opinion in the Consolidated Securities Class Action or the August 1 Opinion in the ABP Action shall be deemed dismissed to the same extent from the Second Amended Complaint in the AFA Action;

5. The parties to the AFA Action hereby stipulate and agree that any arguments raised by Defendants and/or Plaintiffs in *KBC Asset Mgmt. NV v. Merck & Co., Inc.*, No. 11-cv-6259-SRC-CLW (the "KBC Action") in connection with any briefing on Defendants' motion to dismiss the Complaint in the KBC Action shall not be re-briefed in the AFA Action, but shall be preserved for appeal as if such arguments had been raised with respect to Danske Invest Management A/S and Swedbank Robur Fonder AB in the AFA Action.

DATED: May 6, 2013

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pensionsförsäkring ömsesidigt, Fjärde AP-Fonden,
Sjunde AP-Fonden, Danske Invest
Administration A/S, Swedbank Robur AB, AMF
Pension Fondförvaltning ab,
Arbetsmarknadsförsäkringar
Pensionsförsäkringsaktiebolag, and
Skandinaviska Enskilda Banken AB on its own
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Management AB, SEB Asset Management S.A.,
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DATED: May 6, 2013

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SO ORDERED: _____, 2013

Hon. Cathy L. Waldor
United States Magistrate Judge